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NO. 2791 P. 1

TO:USPTO

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**AUG 06 2004**

# OFFICIAL

# FACSIMILE COVER SHEET

**Deliver to:** Tse W. Chen, USPTO

Art Group: 2116

**Facsimile No.:** 703 872-9306

Date: August 6, 2004

From: Thinh V. Nguyen, Reg. No. 42,034

**Our Docket No.: 42390P10577**

Number of pages 6; including this sheet.

Application No.: 09/822,684 ...

Filing Date: 3/30/2001

**Docket Due Date(s):** 8/15/2004

**Enclosed are the following documents:**

- ☒ Amendment: Response ( 2 pgs)

☐ Appeal Brief (in triplicate) (      pgs)

☐ Application: \_\_\_\_\_  
(      pgs) w/cover & abstract)

☐ Assignment & Cover Sheet (      pgs)

☒ Certificate of Facsimile

☐ Continued Prosecution Application (CPA)

☐ Declaration & POA (      pgs)

☐ Drawings:      sheets,      figures

☐ Extension of Time: \_\_\_\_\_

☒ Fee Transmittal (in duplicate)

☐ IDS & PTO/SB/08 (      pgs)

☐ Other \_\_\_\_\_

☐ Issue Fee Transmittal

☐ Notice of Appeal

☐ Petition for: \_\_\_\_\_

☐ Request for Continued Examination (RCE)

☐ Reply Brief (      pgs)

☐ Request & Certification Under 35 USC 122(b)(2)(B)(i)

☐ Request to Rescind Previous Nonpublication Request

☐ Response to Notice of Missing Parts & Formalities Letter

☐ Response to Written Opinion (      pgs)

☐ Terminal Disclaimer

☐ Transmittal of Publication Fee Due

☒ Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

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**Tu Tu Newen**

**08/6/2004**

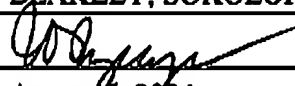
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	09/822,684
		Filing Date	March 30, 2001
		First Named Inventor	David Poisner
		Art Unit	2116
		Examiner Name	Tse W. Chen
Total Number of Pages in This Submission	5	Attorney Docket Number	42390P10577

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034 <b>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP</b>
Signature	
Date	August 6, 2004

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Typed or printed name	Tu T. Nguyen		
Signature		Date	August 6, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 08/04/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

# FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

## Complete If Known

Application Number	09/822,684
Filing Date	March 30, 2001
First Named Inventor	David Poisner
Examiner Name	Tse W. Chen
Art Unit	2116
Attorney Docket No.	42390P10577

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	190	2005	95	Provisional filing fee	
SUBTOTAL (1)					(\$)

## 2. EXTRA CLAIM FEES

Total Claims  - 34\* =  X  =  Fee Paid

Independent Claims  - 6 =  X  =  Fee Paid

Multiple Dependent  =  Fee Paid

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	80	2201	43	Independent claims in excess of 3	
1203	280	2203	145	Multiple Dependent claim, if not paid	
1204	80	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*or number previously paid, if greater. For Reissues, see below

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	850	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	120	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
SUBTOTAL (3)					(\$)

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034	Telephone	(714) 557-3800
Signature		Date	08/06/04		

Complete (if applicable)

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 02/10/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 09/822,684  
Amdt. Dated August 6, 2004  
Reply to Office action of July 15, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. : 09/822,684  
Applicant : David Poisner  
Filed : March 30, 2001  
TC/A.U. : 2116  
Examiner : Tse W. Chen

Confirmation No. 9233

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Docket No. : 042390.P10577  
Customer No. : 8791

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**OFFICIAL****RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In the Office Action mailed July 15, 2004, the Examiner contends that Applicant claims two distinct inventions; namely, Group I (claims 1-8, 13-20, and 25-30), drawn to configuring a mode word to perform the detection of an inserted medium and executing a program on the medium, classified in class 713, subclass 1 and Group II (claims 9-12, 21-24, and 31-34), drawn to the detection of an inserted medium and executing a program on the medium, classified in class 710, subclass 15. Thus, pursuant to 35 U.S.C. 121, the Examiner requires Applicants to restrict the application to one of the alleged two inventions.

In compliance with 35 U.S.C. §121, Applicants elect Group I (claims 1-8, 13-20, and 25-30).

Appl. No. 09/822,684  
Amdt. Dated August 6, 2004  
Reply to Office action of July 15, 2004


**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 6, 2004

By   
Thinh V. Nguyen  
Reg. No. 42,034  
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

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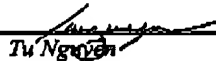
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Tu Nguyen

08/06/2004

Date